

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY MEXICO
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AMEMBASSY SAN SALVADOR
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AMEMBASSY SANTIAGO
AMEMBASSY CARACAS
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AMEMBASSY WELLINGTON

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E.O. 11652: GDS

TAGS: EFIS, PFOR, PLOS

SUBJECT: THE CONSERVATION AND MANAGEMENT OF TUNA IN THE
EASTERN PACIFIC

1. POSTS ARE AWARE THAT IN RECENT MONTHS THERE HAS BEEN A GREAT DEAL OF ACTIVITY ASSOCIATED WITH THE INTERNATIONAL FISHERY FOR TUNA IN THE EASTERN PACIFIC OCEAN. THIS ACTIVITY HAS TAKEN PLACE ON TWO FRONTS, AT THE ANNUAL MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC), AND IN EFFORTS TO RENEGOTIATE THE IATTC AND ESTABLISH A NEW TREATY FOR THE TUNA AND PORPOISE OF THE EASTERN PACIFIC OCEAN. THIS CABLE DESCRIBES THE ISSUES AND WHAT HAS HAPPENED AND PROVIDES SOME GUIDANCE FOR POSTS RE USG VIEWS AT THIS TIME. ALSO, CERTAIN INSTRUCTIONS FOR SPECIFIED POSTS ARE PROVIDED.

2. THE BROAD ISSUE - THE HIGHLY MIGRATORY TUNA RESOURCES OF THE EASTERN TROPICAL PACIFIC ARE OF SUBSTANTIAL ECONOMIC VALUE, WITH NEARLY 400,000 TONS OF FISH WORTH OVER \$250 MILLION CAUGHT ANNUALLY IN TROPICAL WATERS FROM SOUTHERN CALIFORNIA TO CHILE. THE U.S. TUNA FLEET IS BY FAR THE LARGEST AND MOST EFFICIENT IN THE AREA, ACCOUNTING FOR APPROXIMATELY 75 PERCENT OF THE TOTAL INTERNATIONAL CATCH. ALSO, THE UNITED STATES CONSUMES

NEARLY 90 PERCENT OF THE TUNA CAUGHT IN THE AREA AND
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ACCOUNTS FOR APPROXIMATELY ONE-HALF OF THE WORLD'S MARKET FOR TUNA. IN ADDITION TO BEING OF SIGNIFICANT ECONOMIC INTEREST, THE FISHERY FOR TUNA HAS POLITICAL IMPORT AS WELL, SINCE ALL THE COASTAL NATIONS OF THE REGION CLAIM JURISDICTION OVER THE TUNA WITHIN 200 MILES OF THEIR COASTS, WHILE THE UNITED STATES DOES NOT. THE U.S. 200 MILE FISHERIES LAW, THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (FCMA), SPECIFICALLY EXCLUDES TUNA AS A SPECIES OVER WHICH THE U.S. EXERCISES EXCLUSIVE MANAGEMENT CONTROL. CONSISTENT WITH OUR LAW OF THE SEA POSITION AND THE RELEVANT ARTICLES OF THE LOS NEGOTIATING TEXT, THE FCMA EXPRESSES OUR CONVICTION THAT HIGHLY MIGRATORY SPECIES OF TUNA SHOULD BE MANAGED INTERNATIONALLY.

THE JURIDICAL DIFFERENCE WITH RESPECT TO TUNA HAS EXISTED BETWEEN THE U.S. AND SOME COUNTRIES, SUCH AS ECUADOR AND PERU, FOR NEARLY THIRTY YEARS, AND FROM TIME TO TIME IT HAS RESULTED IN THE SEIZURE OF U.S. FLAG TUNA VESSELS AND A CONSEQUENT TROUBLING OF OUR OVERALL RELATIONSHIP WITH THE SEIZING COUNTRY. THIS HAS BEEN SO IN LARGE MEASURE BECAUSE OF A BODY OF

U.S. LEGISLATION WHICH PROVIDES FOR THE IMPOSITION OF ECONOMIC SANCTIONS AGAINST ANY NATION SEIZING U.S. FISHING VESSELS BEYOND 12 MILES, IN ADDITION TO THE REIMBURSEMENT OF U.S. FISHERMEN FOR THEIR LOSSES. THE DIFFERENCE IN JURISDICTIONAL CLAIMS OVER TUNA COULD BECOME AN ISSUE WITH NEARLY EVERY COUNTRY IN THE EASTERN PACIFIC OFF WHOSE COAST U.S. VESSELS FISH, EXPECIALLY SUCH COUNTRIES AS MEXICO, PANAMA, AND COSTA RICA.

A STRONGLY HELD U.S. VIEW WHICH HAS BEEN CONSISTENTLY MAINTAINED IN ALL INTERNATIONAL FORA IS THAT HIGHLY MIGRATORY SPECIES CAN ONLY BE EFFECTIVELY MANAGED AND CONSERVED THROUGH INTERNATIONAL COOPERATION.

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TION AND MULTILATERAL AGREEMENTS. ABSENT INTERNATIONAL AGREEMENT, WIDE-RANGING TUNA AND PORPOISE STOCKS, WHICH TRAVEL OFF THE COASTS OF DOZENS OF COUNTRIES AND THOUSANDS OF MILES OUT TO SEA, COULD BE OVERFISHED AND DEPLETED. THE TUNA OF THE EASTERN PACIFIC ARE PRESENTLY CONSERVED AND MANAGED BY THE INTER-AMERICAN TROPICAL TUNA COMMISSION. THE PRESENT MEMBER COUNTRIES OF THE IATTC ARE MEXICO, COSTA RICA, PANAMA, NICARAGUA, CANADA, FRANCE, JAPAN, AND THE UNITED STATES. OTHER COUNTRIES IN ADDITION TO THESE WHICH EITHER FISH TUNA IN OR BORDER THE EASTERN

TROPICAL PACIFIC, ARE GREAT BRITAIN (BERMUDA), ECUADOR, NETHERLANDS ANTILLES, NEW ZEALAND, PERU, SENEGAL, SPAIN, VENEZUELA, CONGO, GUATEMALA, EL SALVADOR, HONDURAS, COLOMBIA, AND CHILE.

THE COMMISSION HAS AN EXCELLENT RECORD WITH RESPECT TO THE CONSERVATION OF THE TUNA RESOURCES, BUT IN RECENT YEARS HAS FOUND IT INCREASINGLY DIFFICULT TO REACH AGREEMENT ON THE ALLOCATION OF THOSE RESOURCES. MEXICO ANNOUNCED ITS INTENTION IN THE LATTER PART OF 1976 TO CALL A MEETING TO RENEGOTIATE THE IATTC TREATY IN FAVOR OF A NEW ONE WHICH WOULD TAKE INTO ACCOUNT THE SPECIAL INTEREST OF THE COASTAL STATE IN THE TUNA WITHIN ITS 200-MILE ZONE. ACCORDINGLY, MEXICO, AS PART OF A JOINT EFFORT WITH COSTA RICA, CONVENED A CONFERENCE OF PLENIPOTENTIARIES SEPTEMBER 19-23 OF THIS YEAR IN SAN JOSE, FOR THE PURPOSE OF CONSIDERING NEW PROVISIONS FOR THE CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN TROPICAL PACIFIC.

3. THE SAN JOSE CONFERENCE OF PLENIPOTENTIARIES -
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COUNTRIES ATTENDING THE MEETING INCLUDED MEXICO, COSTA RICA, CANADA, JAPAN, FRANCE, PANAMA, NICARAGUA, THE UNITED STATES (ALL MEMBERS OF THE IATTC), EL SALVADOR, GUATEMALA, AND COLOMBIA. CHILE, ECUADOR, AND PERU CHOSE NOT TO ATTEND AS PARTICIPANTS. PERU, SPAIN, AND HONDURAS SENT OBSERVERS TO THE MEETING. THE U.S. DELEGATION WAS HEADED BY JOHN NEGROPONTE, DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND FISHERIES AFFAIRS, AND INCLUDED REPRESENTATIVES FROM THE DEPARTMENT OF COMMERCE, THE COAST GUARD, CONGRESSIONAL STAFF, THE COMMERCIAL TUNA INDUSTRY, AND ENVIRONMENTAL GROUPS.

FOLLOWING OPENING SPEECHES BY THE FOREIGN MINISTERS OF BOTH MEXICO AND COSTA RICA, A WORKING DOCUMENT JOINTLY PREPARED BY THESE TWO COUNTRIES ENTITLED "PRINCIPLES TO BE INCORPORATED IN A TREATY GOVERNING THE INTERNATIONAL CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN PACIFIC" WAS DISTRIBUTED.

4. THE PROPOSAL CONTAINED IN THE WORKING DOCUMENT, PROVIDED FOR A NEW TREATY WHICH WOULD INCLUDE: REFERENCE TO THE ONGOING LAW OF THE SEA CONFERENCE AND PROVISIONS OF THE INFORMAL COMPOSITE NEGOTIATING TEXT;

REFERENCE TO THE EXTENSION OF JURISDICTION TO 200 MILES BY ALMOST ALL COASTAL STATES BORDERING THE EASTERN TROPICAL PACIFIC (ETP);

ESTABLISHMENT OF A REGIONAL ORGANIZATION TO CONSERVE AND MANAGE TUNA IN THE REGION THROUGHOUT THEIR RANGE.

MEMBERSHIP IN THE ORGANIZATION TO CONSIST OF THOSE STATES PARTICIPATING AS PARTIES IN THE PLENIPOTENTIARY CONFERENCE WHICH SIGN AND RATIFY THE TREATY, WITH THE DOOR LEFT OPEN FOR OTHER STATES TO JOIN THE ORGANIZATION.

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PROVISION FOR DECISIONS OF ORGANIZATION TO BE TAKEN BY A MAJORITY OF TWO-THIRDS OR THREE-QUARTERS, UNLESS OTHERWISE PROVIDED FOR IN THE TREATY;

AN "AREA OF TREATY APPLICATION" THE SAME AS THE CURRENT COMMISSION YELLOWFIN REGULATORY AREA (CYRA)

BUT BEGINNING 12 MILES FROM THE COAST;

ORGANIZATION STRUCTURE OF AN ASSEMBLY AND A SECRETARIAT,
THE LATTER DIVIDED INTO RESEARCH AND ADMINISTRATIVE
SECTIONS;

THE PRINCIPLE OF SATURATION OF THE FISHERY - THE
ORGANIZATION EMPOWERED TO DETERMINE THAT A REGULATED
FISHERY IS BEING EXPLOITED AT OR NEAR THE LEVEL OF ITS
OPTIMUM SUSTAINABLE YIELD AND MAY DECLARE THE FISHERY
CLOSED, IN WHICH CASE NON-MEMBER NATIONS SHALL BE
REQUESTED TO REFRAIN FROM FISHING SUCH SPECIES AND
AGREED SANCTIONS SHALL BE TAKEN BY MEMBERS AGAINST ANY
COUNTRY NOT HONORING THE REQUEST;

A GUARANTEED ANNUAL QUOTA OF EACH REGULATED SPECIES
FOR EACH COASTAL STATE BASED ON THE CONCENTRATION OF
THE RESOURCE IN ITS ECONOMIC ZONE, THE QUOTA TO BE
EQUIVALENT TO THE AVERAGE ANNUAL CATCH BY ALL TUNA
FLEETS WITHIN THE COASTAL STATES' ZONE OVER THE PRE-
CEDING 5 YEARS.

THE REMAINDER OF THE TOTAL ALLOWABLE CATCH FOR EACH
SPECIES PLUS THAT PORTION OF THE GUARANTEED QUOTA
WHICH THE COASTAL STATE IS UNABLE TO CATCH TO BE
HARVESTED BY ALL STATES ON A COMPETITIVE BASIS DURING
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THE OPEN SEASON;

PAYMENT OF PARTICIPANT FEES PER TON OF TUNA CAUGHT
ON THE BASIS OF 5 PERCENT OF THE DOCKSIDE VALUE;

DISTRIBUTION OF THE INCOME DERIVED FROM PARTICIPANT
FEES, AFTER DEDUCTION FOR ADMINISTRATIVE EXPENSES, TO

THE COASTAL STATES IN ACCORDANCE WITH THE CONCENTRATION
OF THE RESOURCE IN THEIR RESPECTIVE ZONES.

ENFORCEMENT WITHIN 200 MILES BY THE COASTAL STATE
WITH VERIFICATION AND COMPUTATION OF UNLOADINGS THE
RESPONSIBILITY OF THE ORGANIZATION, AND WITH A UNI-
FORM SYSTEM OF PENALTIES.

PROVISION FOR MEASURES TO BE ADOPTED BY THE ASSEMBLY
TO RESOLVE, AS SOON AS POSSIBLE, THE TUNA-PORPOISE
PROBLEM.

5. U.S. RESPONSE TO JOINT MEXICAN/COSTA RICAN PROPOSAL -
THE WORKING DOCUMENT DREW ONLY SUBDUED INITIAL RESPONSES

AND LIMITED COMMENTS FROM THOSE GOVERNMENTS ATTENDING THE CONFERENCE. MANY DELEGATIONS, INCLUDING THE UNITED STATES, WERE NOT IN A POSITION TO OFFER DEFINITIVE COMMENTS SINCE THE MEXICO/COSTA RICA PROPOSAL WAS ONLY MADE AVAILABLE THE DAY BEFORE THE CONFERENCE. GENERALLY, THE UNITED STATES, JAPAN, AND CANADA EACH INITIALLY EXPRESSED THE NEED FOR ALL PARTICIPANTS IN THE FISHERY TO BE INCLUDED IN THE MANAGEMENT SCHEME, PREFERENCE FOR A CAUTIOUS APPROACH TO THE PROBLEM, AND SUPPORT FOR THE INTERNATIONAL MANAGEMENT OF HIGHLY MIGRATORY SPECIES.

FOLLOWING MORE CAREFUL STUDY OF THE JOINT MEXICAN/COSTA RICAN PROPOSAL, THE UNITED STATES PRESENTED A MORE DETAILED RESPONSE IDENTIFYING THE FOLLOWING AREAS
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OF GENERAL AGREEMENT:

(1) THE NEED FOR RATIONAL AND EFFECTIVE INTERNATIONAL MANAGEMENT OF TUNA IN THE EASTERN TROPICAL PACIFIC,

(2) THE NEED FOR EQUITABLE DISTRIBUTION OF THE TUNA RESOURCE,

(3) THE NEED FOR SIGNIFICANT REDUCTION IN THE INCIDENTAL MORTALITY OF PORPOISE,

(4) THE NECESSITY OF MEANINGFUL AND EFFECTIVE ENFORCEMENT MEASURES, AND

(5) THE DESIRABILITY OF UNIFORM AND REASONABLE FEES.

IN THE REMAINDER OF ITS STATEMENT, THE UNITED STATES EXPRESSED THE FOLLOWING VIEWS:

(1) THE CONFERENCE IS NOT THE FORUM IN WHICH TO DISCUSS

JURISDICTIONAL CONCEPTS GIVEN THE ONGOING LAW OF THE SEA CONFERENCE.

(2) ANY ORGANIZATION DEALING WITH THE MANAGEMENT OF HIGHLY MIGRATORY SPECIES MUST INCLUDE ALL OF THOSE COASTAL STATES CONCERNED, AND UNTIL SUCH TIME AS THOSE COUNTRIES ABSENT ARE ABLE TO PARTICIPATE, IT MAY BE PREFERABLE TO WORK WITHIN THE EXISTING IATTC.

(3) THE DECISION MAKING PROCESS OF ANY MANAGEMENT ORGANIZATION SHOULD BE GOVERNED BY THE PRINCIPLE OF UNANIMITY.

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(4) ALL SPECIES OF TUNA FOUND IN THE REGION MUST BE SUBJECT TO INTERNATIONAL MANAGEMENT AND CONSERVATION.

(5) THE PROBLEM OF SATURATION OF THE FISHERY CANNOT BE ADDRESSED UNTIL THE MEMBERSHIP QUESTION IS RESOLVED. THE PRINCIPLE OF SATURATION OF THE FISHERY ALSO HAS PRECEDENT SETTING IMPLICATIONS FOR ACCESS TO RESOURCES IN OTHER REGIONS OF THE WORLD.

(6) WITH REGARD TO THE QUESTION OF ALLOCATIONS, THE U.S. IS SATISFIED WITH THE PRESENT SYSTEM AND ITS CAPACITY TO ADAPT TO EMERGING CIRCUMSTANCES.

(7) THE DISTRIBUTION OF HISTORICAL CATCHES MAY NOT BE THE BEST MEANS OF DETERMINING THE CONCENTRATION OF THE RESOURCE.

(8) ENFORCEMENT OF THE ORGANIZATION'S CONSERVATION REGULATIONS MUST INCLUDE THE VERIFICATION OF FISHING LOCATIONS WITHIN THE ENTIRE REGULATORY AREA.

6. MEXICAN AND COSTA RICAN RESPONSES AND CONCLUSION OF THE CONFERENCE - IN A STRONG RESPONSE, TO THE U.S. STATEMENT THE MEXICAN DELEGATION EXPRESSED SURPRISE AND CONCERN OVER THE U.S. EMPHASIS ON THE NEED TO CONSIDER THE PRESERVATION OF THE EXISTING IATTC. MEXICO STATED ITS STRONG BELIEF THAT THE COMMISSION IS INCOMPATIBLE WITH THE CONCEPT OF 200-MILE ECONOMIC ZONES AND THAT THE LAW OF THE SEA REFLECTS A GENERAL CONSENSUS IN THE INTERNATIONAL COMMUNITY TO ACCEPT THE EXCLUSIVE ECONOMIC ZONE AS A REALITY. MEXICO FIRMLY DENOUNCED THE U.S. PROPOSAL TO CONSIDER AMENDMENTS TO THE PRESENT IATTC.

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COSTA RICA, EXPRESSED SIMILAR DISAPPOINTMENT AND CONCERN OVER THE U.S. REMARKS.

IN A SMALL MEETING OF HEADS OF DELEGATIONS IT WAS AGREED THAT A WORKING GROUP CONSISTING OF TWO PEOPLE FROM EACH DELEGATION SHOULD BE ESTABLISHED TO REVIEW THE JOINT MEXICAN/COSTA RICAN PROPOSAL IN ORDER TO

IDENTIFY AREAS OF POSSIBLE AGREEMENT AND AREAS OF DIS-
AGREEMENT BETWEEN PARTICIPANTS. THE WORKING GROUP
SUBSEQUENTLY PRODUCED A REPORT (WHICH, IT WAS SPECIFIED,
IN NO WAY PREJUDICED THE FUTURE POSITIONS OF PARTICI-
PATING GOVERNMENTS) WHICH WAS REVIEWED AND AMENDED BY
THE PLENARY. THIS AMENDED WORKING GROUP REPORT HAS YET
TO BE MADE AVAILABLE BY EITHER MEXICO OR COSTA RICA.

7. THE ANNUAL MEETING OF THE IATTC - THE ANNUAL MEETING
OF THE IATTC WAS HELD IN MEXICO CITY OCTOBER 17-21.
AT THE BEGINNING OF THE SESSION, MEXICO AND COSTA
RICA ANNOUNCED THE INTENTIONS OF THEIR GOVERNMENTS TO
WITHDRAW FROM THE IATTC. (THE U.S. IS THE DEPOSITORY
GOVERNMENT AND WE RECEIVED A NOTE FROM MEXICO FORMALLY
DENOUNCING THE TREATY NOVEMBER 8. WE HAVE NOT RECEIVED
ANY NOTIFICATION FROM COSTA RICA.) ANY WITHDRAWAL
FROM THE IATTC DOES NOT BECOME EFFECTIVE FOR ONE YEAR'S
TIME. THERE IS AGREEMENT ON THE PART OF MEXICO AND
COSTA RICA THAT FISHING DURING 1978 WILL TAKE PLACE
UNDER THE AUSPICES OF THE PRESENT IATTC CONVENTION.

8. THE PRESENT SYSTEM - THE PRESENT IATTC REGULATORY
REGIME CALLS FOR THE REGULATION OF ONLY ONE SPECIES,
YELLOWFIN TUNA. THE SEASON OPENS FOR UNRESTRICTED
YELLOWFIN FISHING ON JANUARY 1 AND IS CLOSED ON A DATE
ANNOUNCED BY THE DIRECTOR OF INVESTIGATIONS, OF THE
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IATTC. ANY VESSEL WHICH (A) COMPLETES IT TRIP BEFORE
THE CLOSURE OR (B) WHICH IS IN PORT AT THE CLOSURE AND
COMPLETED A TRIP IN THE COMMISSION YELLOWFIN REGULATORY
AREA (CYRA) DURING THE PREVIOUS YEAR MAY SAIL TO FISH
FREELY FOR YELLOWFIN TUNA WITHIN THE CYRA ON ANY TRIP
(THE LAST FREE TRIP) WHICH IS COMMENCED WITHIN 30 DAYS
AFTER THE CLOSURE. AFTER THE LAST FREE TRIP, VESSELS
NOT PROVIDED WITH A SPECIAL CLOSED SEASON ALLOWANCE ARE
PERMITTED TO LAND YELLOWFIN TUNA ONLY AS INCIDENTAL
CATCH IN THE LANDINGS OF OTHER SPECIES. THE AGGREGATE
OF THESE INCIDENTAL YELLOWFIN CATCHES MAY NOT EXCEED
15 PERCENT OF THE COMBINED TOTAL CATCH TAKEN BY SUCH
VESSELS DURING THE CLOSED SEASON. EACH COUNTRY IS
GRANTED A CLOSED SEASON ALLOWANCE OF 6,000 TONS FOR
ITS SMALLER VESSELS UNDER 400 TONS. FOR 1977 ONLY,

THIS PROVISION WAS MODIFIED AS FOLLOWS:

1. IN THE CASE OF COSTA RICA, THIS 6,000 TON ALLOCA-
TION COULD BE TAKEN BY ITS VESSELS OF UP TO 1,000 TONS
CARRYING CAPACITY.

2. IN THE CASE OF NICARAGUA, UP TO 4,000 TONS OF THE 6,000 TON ALLOCATION COULD BE TAKEN BY TWO OF ITS VESSELS WITH CARRYING CAPACITIES OF UP TO 1,800 SHORT TONS EACH.

3. IN THE CASE OF PANAMA, UP TO 3,000 TONS OF THIS ALLOCATION COULD BE TAKEN BY ITS VESSELS OF MORE THAN 400 TONS CARRYING CAPACITY.

THERE IS AN ADDITIONAL CLOSED SEASON ALLOWANCE FOR CERTAIN NEWLY CONSTRUCTED VESSELS OF DEVELOPING COUNTRIES WITH DEVELOPING TUNA FISHERIES. TO QUALIFY THE VESSELS MUST HAVE ENTERED THE FISHERY FOR THE FIRST TIME DURING THE CLOSED SEASON IN 1971 OR DURING

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1972 AND HAVE EXPERIENCED SPECIAL HARDSHIPS FOR REASONS SUCH AS SIZE, GEAR, OR FISHING TECHNIQUES. IN 1977 THESE VESSELS WERE ALSO DEFINED AS HAVING HAD AN INDIVIDUAL CATCH PER CAPACITY TON FOR 1976 OF LESS THAN 75 PERCENT OF THE AVERAGE CATCH PER CAPACITY TON FOR ALL VESSELS IN THE COMPARABLE IATTC SIZE CLASSES ENGAGED IN THE CONVENTION AREA IN 1975. (THESE PROVISIONS, BY DESIGN, APPLY TO MEXICO.) IN ADDITION, IF A VESSEL OF A QUALIFIED COUNTRY EXPERIENCES SPECIAL PROBLEMS SUCH AS THOSE DESCRIBED ABOVE BUT IS NOT INCLUDED UNDER THE SPECIAL HARDSHIP PROVISIONS. IT MAY BE SUBSTITUTED BY THAT COUNTRY FOR A VESSEL SO QUALIFIED.

THESE VESSELS ARE ALLOWED TO FISH WITHOUT RESTRICTION FOR YELLOWFIN TUNA DURING THE 1977 CLOSED SEASON UNTIL THEY HAVE TAKEN IN THE AGGREGATE 13,000 TONS, PROVIDED THAT, IF THE AGGREGATE CATCH OF YELLOWFIN OF THE TUNA FISHING VESSELS OF ANY SUCH DEVELOPING COUNTRIES SHOULD EXCEED 6,000 TONS DURING THE OPEN SEASON, THEIR 13,000 TON CLOSED SEASON ALLOCATION SHALL BE REDUCED BY THE AMOUNT THEIR OPEN SEASON CATCH EXCEEDS 6,000 TONS.

9. THE MANAGEMENT REGIME FOR 1978 - DURING THE MEXICO CITY MEETING, MEXICO AND COSTA RICA STATED THEIR NEED FOR SIGNIFICANT INCREASES IN THE AMOUNTS OF YELLOWFIN TONNAGE RESERVED FOR THEIR FLAG VESSELS DURING THE CLOSED SEASON. IN 1976 AND 1977, MEXICAN VESSELS HAD THE OP-

PORTUNITY TO CATCH 19,000 TONS OF YELLOWFIN DURING THE CLOSED SEASON (6,000 FOR VESSELS OF 400 TONS OR LESS CARRYING CAPACITY AND 13,000 FOR CERTAIN VESSELS WHICH EXPERIENCE EXTRAORDINARY PROBLEMS OF OPERATION.) FOR

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1978, MEXICO DESIRED TO INCREASE THE 13,000 TON ALLOCATION BY 12,000 TONS. ALTHOUGH MEXICO PLANS ADDITIONS TO ITS TUNA FLEET IN THE COMING MONTHS, IT APPEARS QUITE DOUBTFUL THAT THE MEXICAN CATCH WOULD APPROACH THE LEVELS REQUESTED. ESTIMATING MEXICO'S YELLOWFIN CATCH TO BE NO MORE THAN 9,000 TONS DURING THE OPEN SEASON IN 1978, AND ADDING GUARANTEED ALLOCATIONS OF 31,000 TONS (6,000 PLUS 25,000) THE TOTAL WOULD EXCEED EVEN THE MAXIMUM LEVEL OF YELLOWFIN ALLOCATIONS PROPOSED BY THE JOSEPH-GREENOUGH STUDY ENTITLED "ALTERNATIVES FOR INTERNATIONAL MANAGEMENT OF TUNA RESOURCES." (THIS IMPORTANT DOCUMENT WAS PREPARED BY THE IATTC STAFF AT THE REQUEST OF THE COMMISSION MEMBERS, IN ANTICIPATION OF A SERIOUS CONSIDERATION OF NEW MANAGEMENT SYSTEMS FOR TUNA.) IN THE VIEW OF THE UNITED STATES, THIS LEVEL OF ALLOCATION IS NOT WARRANTED UNDER THE CRITERIA ESTABLISHED BY THE IATTC REGIME AND, MORE IMPORTANTLY, WOULD PREJUDICE THE NEGOTIATIONS BEGUN IN SAN JOSE IN SEPTEMBER TO DEVELOP NEW ARRANGEMENTS FOR THE MANAGEMENT OF YELLOWFIN TUNA IN THE ETP. ALSO, THE MEXICAN REQUEST APPEARS TO BE WAY BEYOND WHAT THE ACTUAL NEEDS OF THE MEXICAN TUNA FLEET WILL BE DURING 1978. THE MEXICAN PROPOSAL REMAINED UNCHANGED DESPITE STATEMENTS BY THE U.S. AND JAPAN THAT SUCH DEMANDS WERE A RADICAL AND PREJUDICIAL DEPARTURE FROM THE PAST PATTERNS OF ALLOCATIONS ESTABLISHED PURSUANT TO THE IATTC REGIME.

COSTA RICA, WHICH IN 1977 WAS AUTHORIZED TO FISH ITS 6,000 TON SMALL BOAT ALLOCATION WITH VESSELS UP TO 1,000 TONS CARRYING CAPACITY, EXPRESSED ITS DESIRE FOR A 14,000 TON SPECIAL CLOSED SEASON ALLOCATION DURING 1978 WHICH WOULD APPLY IN ADDITION TO THE 6,000 TONS. DURING THE COURSE OF THE MEETING COSTA RICA INDICATED THAT IT COULD ACCEPT A 9,000 TON CLOSED SEASON ALLOCATION.

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IT IS ANTICIPATED BY COSTA RICA THAT NEW TUNA VESSELS WITH A CAPACITY OF 2,400 TONS WILL BE ADDED BY THE END OF 1978 TO THEIR FLEET. THIS ADDITIONAL TONNAGE AND THE PRESENT CARRYING CAPACITY OF THE COSTA RICAN FLEET OF 553 TONS DO NOT APPEAR TO WARRANT A SPECIAL ALLOCATION OUTSIDE THE PRESENT 6,000 TON ALLOCATION

NOTED ABOVE. IN FACT, THE COSTA RICAN PROPOSAL IS MOST LIKELY LINKED TO THE POSSIBLE ;BUT NOT YET AFFIRMED)

TRANSFER OF VESSELS TO COSTA RICA FROM OTHER COUNTRIES (E.G. UNITED STATES). THE UNITED STATES HAD PROBLEMS WITH THE COSTA RICAN PROPOSAL FOR ESSENTIALLY THE SAME REASONS THAT WE COULD NOT ACCEPT THE MEXICAN PROPOSAL.

NICARAGUA PROPOSED ONLY A MINOR ADJUSTMENT IN ITS 6,000 TON SMALL BOAT ALLOCATION, 4,000 TONS OF WHICH WERE AUTHORIZED FOR CAPTURE IN 1977 BY TWO OF ITS VESSELS WITH CARRYING CAPACITIES OF UP TO 1,800 SHORT TONS EACH. THE NICARAGUAN PROPOSAL SIMPLY NOTED ITS DESIRE AS A DEVELOPING COUNTRY EXPERIENCING SEVERE ECONOMIC DIFFICULTY TO HAVE THE TOTAL 6,000 TONS AUTHORIZED FOR CAPTURE BY ANY OF ITS VESSELS SINCE NICARAGUA EXPECTS TO ADD ONE ADDITIONAL VESSEL OF 1,200 TONS CARRYING CAPACITY TO ITS FLEET.

PANAMA PROPOSED NO CHANGE IN ITS AUTHORIZATION TO TAKE 3,000 TONS OF THE 6,000 TON ALLOCATION BY VESSELS IN EXCESS OF 400 TONS CARRYING CAPACITY. PANAMA EXPRESSED PUBLICLY NEITHER SUPPORT FOR OR DISPLBASURE WITH THE MEXICAN AND COSTA RICAN PROPOSALS.

BECAUSE OF OUR DIFFICULTIES WITH THE MEXICAN AND
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COSTA RICAN PROPOSALS REGARDING THE SPECIAL CLOSED SEASON ALLOCATIONS, AGREEMENT ON THE IATTC MANAGEMENT REGIME FOR 1978 WAS NOT POSSIBLE AT THIS MEETING, WHICH WAS RECESSED FOR AN INDEFINITE PERIOD.

OTHER ISSUES IN ADDITION TO QUESTIONS OF ALLOCATIONS WERE DISCUSSED AT THE IATTC MEETINGS, MOST IMPORTANTLY THE STATUS OF THE TUNA STOCKS IN THE AREA AND PORPOSALS TO ESTABLISH AN OVERALL CATCH LIMIT FOR YELLOWFIN TUNA. ESSENTIALLY, THE COMMISSION'S SCIENTIFIC STAFF REPORTED THAT THE YELLOWFIN TUNA STOCKS ARE IN GOOD SHAPE AND IT WAS RECOMMENDED THAT CATCHES BE PERMITTED AT ABOUT THE SAME LEVELS AS IN 1976 AND 1977 - OPENING THE SEASON WITH A QUOTA OF 175,000 TONS WITH ALLOWANCES FOR INCREMENTS UP TO 210,000 TONS IF WARRANTED BY THE CATCH DATA. THIS ISSUE OF THE OVERALL ALLOWABLE QUOTA, AS WELL AS ALL OTHER QUESTIONS, WILL NOT BE SETTLED SEPARATELY FROM THE ALLOCATION ISSUE. THUS IF NO AGREEMENT IS REACHED ON THIS LATTER QUESTION THERE WILL BE NO 1978 CONSERVATION PROGRAM IN EFFECT FOR YELLOWFIN TUNA.

10. U.S. PREPARATIONS AND GENERAL VIEWS - SUBSEQUENT
TO THE MEXICO CITY MEETING OUR AMBASSADORS IN MEXICO
CITY AND SAN JOSE MADE REPRESENTATIONS AT THE FOREIGN

MINISTER LEVEL TO EXPRESS U.S. CONCERNS REGARDING
THE MEXICAN AND COSTA RICAN PROPOSALS AND TO REQUEST
THAT THEIR PROPOSALS BE RECONSIDERED. IT WAS AGREED
IN MEXICO CITY THAT THE UNITED STATES WOULD ASSUME
RESPONSIBILITY FOR ARRANGING ANOTHER MEETING OF THE
COMMISSION TO ATTEMPT TO ESTABLISH A 1978 CONSERVA-
TION AND MANAGEMENT PROGRAM. WE ARE DISCUSSING WITHIN
THE USG THE TIMING OF SUCH A MEETING AND ARE PRESENTLY
INCLINED TO PROPOSE A MID OR LATE JANUARY DATE. EVEN
THOUGH THE YELLOWFIN SEASON BEGINS JANUARY 1,
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NO REGULATION OF FISHING WOULD BE REQUIRED UNTIL AROUND
MARCH AND THUS A JANUARY MEETING DATE WOULD POSE NO
CONSERVATION PROBLEMS. WE BELIEVE IT IS IMPORTANT
THAT AGREEMENT BE REACHED ON A COMMISSION PROGRAM FOR
1978 AND WE ARE PREPARED TO MAKE SOME COMPROMISES TO-
WARDS THAT END, BUT WE WOULD BE IN UNTENABLE POSITION
IF MEXICO AND COSTA RICA DO NOT LOWER THEIR REQUESTS
TO MORE REALISTIC AND NEGOTIABLE LEVELS.

WITH RESPECT TO LONGER TERM, WE ARE PREPARED TO
NEGOTIATE SERIOUSLY TOWARDS A NEW TUNA TREATY AND TO
ADDRESS IN A SPECIFIC MANNER THE MANY ISSUES RAISED
BY THE MEXICO/COSTA RICA PROPOSAL PRESENTED IN
SAN JOSE. MANY OF THE ISSUES WE MUST ADDRESS, SUCH
AS VOTING, MEMBERSHIP, PORPOISE CONSERVATION, ETC.,
CAN PROBABLY BE HANDLED WITHOUT A GREAT DEAL OF DIF-
FICULTY. THE QUESTION OF TUNA ALLOCATIONS, HOWEVER,
WHICH GOES TO THE HEART OF THE TUNA ISSUE AND IS THE MOST
IMPORTANT QUESTION INVOLVED, PRESENTS A DIFFICULT AND
COMPLEX PROBLEM. WE ARE PRESENTLY PREPARING WITHIN
THE USG A U.S. PROPOSAL WHICH ADDRESSES ALL OF THESE
ISSUES AND WHICH WOULD ESSENTIALLY BE THE OUTLINE OF
A NEW TUNA TREATY. WE PLAN TO HAVE THIS PROPOSAL
AGREED WITHIN THE USG BY EARLY JANUARY, AND TO HOLD
A MEETING WITH THE U.S. INDUSTRY AND OTHER INTERESTS
IN MID OR LATE JANUARY TO ATTEMPT TO FORGE AN AGREED
U.S. POSITION. WE PLAN TO BE PREPARED FOR A SECOND F
ROUND OF THE CONFERENCE OF PLENIPOTENTIARIES BY LATE
FEBRUARY. IT HAS BEEN LEFT TO COSTA RICA AND MEXICO
TO CONVENE THIS NEXT SESSION, AND IT HAS BEEN OUR
UNDERSTANDING THAT THEY WANT TO DO SO BEFORE THE
BEGINNING OF THE LAW OF THE SEA NEGOTIATIONS IN LATE
MARCH.
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WHILE WE ARE PREPARED TO NEGOTIATE SERIOUSLY, THE IMPORTANCE OF THE TUNA ISSUE IS SUCH THAT WE MUST PROCEED CAREFULLY AND SYSTEMATICALLY. THE UNITED STATES HAS A SUBSTANTIAL STAKE IN THE FUTURE

OF THE TUNA FISHERY IN THE EASTERN PACIFIC FOR ECONOMIC, POLITICAL, AND ENVIRONMENTAL REASONS, AS NOTED EARLIER. THE UNITED STATES INTERESTS AND OBJECTIVES WHICH ARE INVOLVED IN THE NEGOTIATION OF A NEW TUNA TREATY CAN BE SUMMARIZED AS FOLLOWS: (1) THE PROPER CONSERVATION AND PROTECTION OF IMPORTANT TUNA AND PORPOISE RESOURCES, (2) THE PRESERVATION OF THE OPPORTUNITY FOR U.S. TUNA FISHERMEN TO FISH PROFITABLY BOTH INSIDE AND OUTSIDE 200 MILES, (3) A SOLUTION TO THE JURIDICAL AND POLITICAL PROBLEM REGARDING COSTAL STATE JURISDICTION OVER TUNA INSIDE 200 MILES, AND (4) MAINTENANCE OF THE U.S. VIEW THAT IN ORDER TO ACHIEVE SATISFACTORY CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY SPECIES, THERE MUST BE EFFECTIVE INTERNATIONAL ACTION ON A REGIONAL LEVEL.

MOST, IF NOT ALL, OF THE SOME TWENTY COUNTRIES INVOLVED IN THE TUNA QUESTION IN THE EASTERN PACIFIC AGREE WITH US THAT AN INTERNATIONAL ORGANIZATION IS REQUIRED FOR EFFECTIVE TUNA CONSERVATION. WHAT IS UNCLEAR ARE THE NATURE AND DETAILS OF AN ORGANIZATION WHICH MIGHT BE WIDELY ACCEPTABLE AND WHICH WOULD ADVANCE THE U.S. INTERESTS AS OUTLINED ABOVE. WE BELIEVE IT IS POSSIBLE TO CREATE SUCH AN ORGANIZATION, BUT DO NOT BELIEVE THIS WILL BE EASILY ACHIEVED. COMPROMISE ON ALL SIDES WILL BE NECESSARY AND WE ANTICIPATE DIFFICULT NEGOTIATIONS WHICH MAY WELL TAKE SEVERAL SESSIONS TO CONCLUDE.

11. WHERE WE GO FROM HERE - WE ARE CONCERNED THAT THE QUESTION OF CONSERVATION AND MANAGEMENT OF TUNA IN E
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EASTERN PACIFIC COULD BECOME ESSENTIALLY A BILATERAL, OR TRI-LATERAL ISSUE, INVOLVING ONLY MEXICO, COSTA RICA, AND THE U.S. WE BELIEVE IT IS IMPORTANT THAT OTHER NATIONS WITH A STAKE IN THESE RESOURCES AND IN THE POLITICAL AND OTHER ISSUES INVOLVED BECOME INVOLVED IN DISCUSSIONS LEADING TOWARDS A NEW HIGHLY MIGRATORY SPECIES TREATY.

12. FOR CARACAS, MADRID, HAMILTON, LONDON, CURACAO, DAKAR, ACCRA, WELLINGTON - HOST GOVERNMENTS WERE NOT INVITED TO SAN JOSE MEETING OF PLENIPOTENTIARIES BUT HAVE FLAG VESSELS FISHING TUNA IN EASTERN PACIFIC AREA. POSTS ARE REQUESTED TO APPROACH APPROPRIATE HOST GOVERNMENT OFFICIALS TO ASCERTAIN IF THEY ARE AWARE OF MEXICAN AND COSTA RICAN INITIATIVE AND OF POTENTIAL IMPACT EFFORT TO NEGOTIATE NEW TUNA TREATY MAY HAVE ON THEIR FLAG VESSELS. WE WOULD APPRECIATE THEIR VIEWS ON GENERAL QUESTION OF HOW THE

CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN PACIFIC SHOULD BE HANDLED IN LIGHT OF RECENT DEVELOPMENTS. WE WOULD LIKE TO KNOW IF HOST GOVERNMENTS HAVE BEEN IN CONTACT WITH MEXICO OR COSTA RICA CONCERNING THEIR INITIATIVE. EMBASSIES SHOULD SUGGEST THAT, IF HOST GOVERNMENTS HAVE AN INTEREST IN TUNA NEGOTIATIONS, THEY RAISE ISSUE WITH MEXICO AND COSTA RICA AND EXPRESS DESIRE TO PARTICIPATE IN NEGOTIATIONS.

13. FOR PANAMA, MANAGUA, PARIS, OTTAWA, TOKYO, GUATEMALA, TEGUCIGALPA, SAN SALVADOR, BOGOTA - HOST GOVERNMENTS WERE REPRESENTED AT SAN JOSE CONFERENCE AND ARE AWARE OF MEXICAN AND COSTA RICAN PROPOSAL. CONFIDENTIAL

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EMBASSIES ARE REQUESTED TO APPROACH APPROPRIATE HOST GOVERNMENT OFFICIALS TO ASCERTAIN THEIR VIEWS ON SUBSTANCE OF PROPOSAL AND ON WHERE WE SEEM TO BE HEADED WITH RESPECT TO ENTIRE QUESTION. REGARDING THE SUBSTANCE OF ANY NEW ARRANGEMENTS, WE ARE ESPECIALLY INTERESTED IN THEIR VIEWS ON ALLOCATION QUESTION, ON ENFORCEMENT ISSUE, AND ON VOTING AND MEMBERSHIP PROVISIONS OF ANY NEW TREATY. THESE ISSUES ARE OF PARTICULAR IMPORTANCE TO THE U.S. GENERALLY, WE BELIEVE THAT ALLOCATION OF TUNA RESOURCE SHOULD TAKE INTO ACCOUNT THE LEGITIMATE INTERESTS OF BOTH COASTAL AND NON-COASTAL STATES AND THE HIGHLY MIGRATORY NATURE OF THE TUNA. REGARDING ENFORCEMENT, WE BELIEVE IT IS OF CRITICAL IMPORTANCE THAT NEW SYSTEM PROVIDE FOR EFFECTIVE ENFORCEMENT OF AGREED CONSERVATION AND MANAGEMENT MEASURES BOTH WITHIN AND BEYOND 200 MILES, AND THAT INTERNATIONAL ORGANIZATION SHOULD BE EMPOWERED TO UNDERTAKE ACTIVITIES TO ENSURE EFFECTIVE ENFORCEMENT. CONCERNING VOTING, WE BELIEVE RULE SHOULD BE UNANIMITY OR AT THE LEAST THAT PROVISION SHOULD BE MADE FOR OBJECTION BY ANY NATION TO HAVING MEASURES APPLY TO ITS FISHERMEN. WITH RESPECT TO MEMBERSHIP,

WE BELIEVE ALL COASTAL STATES AND STATES WITH VESSELS FISHING IN THE REGION SHOULD BELONG TO ANY NEW ORGANIZATION.

EMBASSIES SHOULD STRESS THAT AT NEXT ROUND OF NEGOTIATIONS U.S. BELIEVES ALL PARTICIPANTS SHOULD BE PREPARED TO DISCUSS SUBSTANCE OF ISSUES INVOLVED IN NEW TREATY ARRANGEMENT. EMBASSIES SHOULD DISCUSS TIMING OF NEXT CONFERENCE OF PLENIPOTENTIARIES EMPHASIZING IMPORTANCE OF ADEQUATE PREPARATIONS AND INQUIRING WHETHER HOST GOVERNMENTS BELIEVE IT WILL BE POSSIBLE OR ADVISABLE TO HAVE NEXT SESSION CONVENED BEFORE

BEGINNING OF LOS CONFERENCE. EMBASSIES SHOULD SUG-
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GEST THAT HOST GOVERNMENTS APPROACH MEXICO AND COSTA RICA REGARDING THEIR VIEWS ON SUBSTANCE OF MATTER AS WELL AS ON PROCEDURES AND TIMING OF NEXT ROUND OF NEGOTIATIONS.

14. FOR QUITO, LIMA, SANTIAGO - IN ADDITION TO ASCERTAINING VIEWS OF HOST GOVERNMENTS ON SUBSTANCE OF THE MEXICAN/COSTA RICAN PROPOSAL, EMBASSIES SHOULD ONCE AGAIN STRESS THE IMPORTANCE WHICH WE ATTACH TO THEIR PARTICIPATION IN THE EFFORT TO NEGOTIATE A NEW TUNA TREATY AND URGE THAT THEY AGREE TO TAKE PART IN NEXT SESSION OF CONFERENCE OF PLENIPOTIARIES. WE UNDERSTAND THAT MEXICO AND COSTA RICA, AS WELL AS ALL OTHER PARTICIPANTS, ARE WILLING TO HAVE ECUADOR, PERU AND CHILE PARTICIPATE IN NEGOTIATIONS. IN THIS CONNECTION, EMBASSIES LIMA AND QUITO SHOULD INQUIRE IF MEXICO OR COSTA RICA HAS BEEN IN CONTACT WITH HOST GOVERNMENTS REGARDING THEIR PARTICIPATION IN NEGOTIATIONS. POSTS SHOULD ENCOURAGE HOST GOVERNMENTS TO DISCUSS ISSUE WITH MEXICO AND COSTA RICA AND TO EXPRESS THEIR VIEWS ON EFFORT TO NEGOTIATE NEW TUNA TREATY. WITH RESPECT TO TIMING OF NEXT ROUND OF DISCUSSIONS, EMBASSIES SHOULD EXPLORE HOST GOVERNMENTS THINKING ON ADVISABILITY OF CONVENING CONFERENCE PRIOR TO LOS CONFERENCE. IF, AS IS OUR IMPRESSION, HOST GOVERNMENTS DO NOT BELIEVE IT IS POSSIBLE FOR ALL OF PRINCIPAL NATIONS INVOLVED TO BE ADEQUATELY PREPARED FOR NEXT ROUND PRIOR TO LOS, WE BELIEVE THEY SHOULD MAKE MEXICO AND COSTA RICA AWARE OF THESE CONCERNS. DEPT. PREPARED TO SEND SMALL TEAM TO QUITO AND LIMA FOR DISCUSSIONS ON TUNA QUESTION IN LATTER PART OF JANUARY IF THIS WOULD FURTHER DECISION TOWARDS PARTICIPATION.

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15. FOR MEXICO AND SAN JOSE -
POSTS SHOULD SEEK RESPONSE FROM HOST GOVERNMENTS TO
DEMARCHES MADE EARLIER REGARDING ALLOCATION REQUESTS
FOR 1978 FISHING SEASON. WITH RESPECT TO NEGOTIATION
OF NEW TUNA TREATY, POSTS SHOULD MAKE FOLLOWING POINTS;
(A) WE ARE WILLING TO NEGOTIATE SERIOUSLY TOWARDS A
NEW TREATY AND ARE UNDERTAKING SYSTEMATIC PREPARATIONS
FOR THE NEXT CONFERENCE OF PLENIPOTENTIARIES. WE
WOULD BE WILLING TO MEET IN LATE FEBRUARY IF COSTA RICA
AND MEXICO BELIEVE THIS IS GOOD TIME FOR CONFERENCE
AND OTHER INTERESTED PARTIES ARE ALSO AGREEABLE.. (B)
WE BELIEVE IT IS ESSENTIAL, HOWEVER, THAT ADEQUATE
PREPARATIONS AND CONSULTATIONS TAKE PLACE BEFORE NEXT
NEGOTIATING SESSION IS CONVENED. IN THIS CONNECTION,

WE BELIEVE IT IS IMPORTANT FOR OTHERS TO TAKE MORE
ACTIVE ROLE AND WOULD APPRECIATE KNOWING IF HOST
GOVERNMENTS HAVE HEARD FROM OTHERS INVOLVED RE SUB-
STANCE OF THEIR PROPOSAL MADE IN SAN JOSE OR IF
THEY HAVE SOUGHT VIEWS OF OTHERS ON ISSUE. (C) WE
BELIEVE IT IS PARTICULARLY IMPORTANT THAT ECUADOR
AND PERU PARTICIPATE IN NEGOTIATIONS, AND WE WOULD
APPRECIATE KNOWING IF THESE GOVERNMENTS HAVE BEEN
APPROACHED REGARDING THEIR PARTICIPATION IN CONFERENCE.
WE DO NOT BELIEVE DATE FOR NEXT ROUND OF TALKS SHOULD
BE SET UNTIL ECUADOR AND PERU HAVE BEEN CONSULTED.
IF ECUADOR AND PERU ARE WILLING TO MEET BUT INSIST ON
POST - LOS CONFERENCE MEETING DATE, THEN MEXICANS AND
COSTA RICANS SHOULD BE URGED TO GIVE SERIOUS THOUGHT
TO LATER MEETING DATE.

16. FOR LIMA - THIS CABLE SHOULD SERVE AS RESPONSE
TO LIMA 9854 REGARDING TIMING OF NEXT CONFERENCE OF
PLENIPOTENTIARIES. ESSENTIALLY OUR VIEW IS THAT WE
WILL BE PREPARED TO PARTICIPATE IN CONFERENCE PRIOR
TO NEXT LOS SESSION BUT ARE NOT CERTAIN THIS WOULD
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BE ADVISABLE IF OTHERS INVOLVED ARE NOT PREPARED TO
NEGOTIATE SERIOUSLY WITHIN THIS TIME FRAME. IN
THIS REGARD, VIEWS OF OTHERS REGARDING TIMING
IS ESPECIALLY IMPORTANT. CHRISTOPHER

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C O N F I D E N T I A L STATE 292193

FOL TEL SENT ACTION MEXICO SAN JOSE PANAMA MANAGUA PARIS
OTTAWA TOKYO GUATEMALA TEGUCIGALPA SAN SALVADOR
BOGOTA QUITO LIMA SANTIAGO CARACAS
MADRID HAMILTON LONDON CURACAO DAKAR WELLINGTON
FROM SECSTATE DTG R 072213Z DEC 1977 QTE

C O N F I D E N T I A L STATE 292193
E.O. 11652: GDS

TAGS: EFIS, PFOR, PLOS

SUBJECT: THE CONSERVATION AND MANAGEMENT OF TUNA IN THE
EASTERN PACIFIC

1. POSTS ARE AWARE THAT IN RECENT MONTHS THERE HAS BEEN
A GREAT DEAL OF ACTIVITY ASSOCIATED WITH THE INTERNATIONAL
FISHERY FOR TUNA IN THE EASTERN PACIFIC OCEAN. THIS
ACTIVITY HAS TAKEN PLACE ON TWO FRONTS, AT THE ANNUAL
MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION
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(IATTC), AND IN EFFORTS TO RENEGOTIATE THE IATTC AND E
ESTABLISH A NEW TREATY FOR THE TUNA AND PORPOISE OF THE

EASTERN PACIFIC OCEAN. THIS CABLE DESCRIBES THE ISSUES AND WHAT HAS HAPPENED AND PROVIDES SOME GUIDANCE FOR POSTS RE USG VIEWS AT THIS TIME. ALSO, CERTAIN INSTRUCTIONS FOR SPECIFIED POSTS ARE PROVIDED.

2. THE BROAD ISSUE - THE HIGHLY MIGRATORY TUNA RESOURCES OF THE EASTERN TROPICAL PACIFIC ARE OF SUBSTANTIAL ECONOMIC VALUE, WITH NEARLY 400,000 TONS OF FISH WORTH OVER \$250 MILLION CAUGHT ANNUALLY IN TROPICAL WATERS FROM SOUTHERN CALIFORNIA TO CHILE. THE U.S. TUNA FLEET IS BY FAR THE LARGEST AND MOST EFFICIENT IN THE AREA, ACCOUNTING FOR APPROXIMATELY 75 PERCENT OF THE TOTAL INTERNATIONAL CATCH. ALSO, THE UNITED STATES CONSUMES

NEARLY 90 PERCENT OF THE TUNA CAUGHT IN THE AREA AND ACCOUNTS FOR APPROXIMATELY ONE-HALF OF THE WORLD'S MARKET FOR TUNA. IN ADDITION TO BEING OF SIGNIFICANT ECONOMIC INTEREST, THE FISHERY FOR TUNA HAS POLITICAL IMPORT AS WELL, SINCE ALL THE COASTAL NATIONS OF THE REGION CLAIM JURISDICTION OVER THE TUNA WITHIN 200 MILES OF THEIR COASTS, WHILE THE UNITED STATES DOES NOT. THE U.S. 200 MILE FISHERIES LAW, THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 (FCMA), SPECIFICALLY EXCLUDES TUNA AS A SPECIES OVER WHICH THE U.S. EXERCISES EXCLUSIVE MANAGEMENT CONTROL. CONSISTENT WITH OUR LAW OF THE SEA POSITION AND THE RELEVANT ARTICLES OF THE LOS NEGOTIATING TEXT, THE FCMA EXPRESSES OUR CONVICTION THAT HIGHLY MIGRATORY SPECIES OF TUNA SHOULD BE MANAGED INTERNATIONALLY.

THE JURIDICAL DIFFERENCE WITH RESPECT TO TUNA HAS
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EXISTED BETWEEN THE U.S. AND SOME COUNTRIES, SUCH AS ECUADOR AND PERU, FOR NEARLY THIRTY YEARS, AND FROM TIME TO TIME IT HAS RESULTED IN THE SEIZURE OF U.S. FLAG TUNA VESSELS AND A CONSEQUENT TROUBLING OF OUR OVERALL RELATIONSHIP WITH THE SEIZING COUNTRY. THIS HAS BEEN SO IN LARGE MEASURE BECAUSE OF A BODY OF U.S. LEGISLATION WHICH PROVIDES FOR THE IMPOSITION OF ECONOMIC SANCTIONS AGAINST ANY NATION SEIZING U.S. FISHING VESSELS BEYOND 12 MILES, IN ADDITION TO THE REIMBURSEMENT OF U.S. FISHERMEN FOR THEIR LOSSES. THE DIFFERENCE IN JURISDICTIONAL CLAIMS OVER TUNA COULD BECOME AN ISSUE WITH NEARLY EVERY COUNTRY IN THE EASTERN PACIFIC OFF WHOSE COAST U.S. VESSELS FISH, EXPECIALLY SUCH COUNTRIES AS MEXICO, PANAMA, AND COSTA RICA.

A STRONGLY HELD U.S. VIEW WHICH HAS BEEN CONSIDER-

TENTLY MAINTAINED IN ALL INTERNATIONAL FORA IS THAT HIGHLY MIGRATORY SPECIES CAN ONLY BE EFFECTIVELY MANAGED AND CONSERVED THROUGH INTERNATIONAL COOPERATION AND MULTILATERAL AGREEMENTS. ABSENT INTERNATIONAL AGREEMENT, WIDE-RANGING TUNA AND PORPOISE STOCKS, WHICH TRAVEL OFF THE COASTS OF DOZENS OF COUNTRIES AND THOUSANDS OF MILES OUT TO SEA, COULD BE OVERFISHED AND DEPLETED. THE TUNA OF THE EASTERN PACIFIC ARE PRESENTLY CONSERVED AND MANAGED BY THE INTER-AMERICAN TROPICAL TUNA COMMISSION. THE PRESENT MEMBER COUNTRIES OF THE IATTC ARE MEXICO, COSTA RICA, PANAMA, NICARAGUA, CANADA, FRANCE, JAPAN, AND THE UNITED STATES. OTHER COUNTRIES IN ADDITION TO THESE WHICH EITHER FISH TUNA IN OR BORDER THE EASTERN

TROPICAL PACIFIC, ARE GREAT BRITAIN (BERMUDA), ECUADOR, NETHERLANDS ANTILLES, NEW ZEALAND, PERU, SENEGAL, SPAIN, VENEZUELA, CONGO, GUATEMALA, EL SALVADOR, HONDURAS, COLOMBIA, AND CHILE.

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THE COMMISSION HAS AN EXCELLENT RECORD WITH RESPECT TO THE CONSERVATION OF THE TUNA RESOURCES, BUT IN RECENT YEARS HAS FOUND IT INCREASINGLY DIFFICULT TO REACH AGREEMENT ON THE ALLOCATION OF THOSE RESOURCES. MEXICO ANNOUNCED ITS INTENTION IN THE LATTER PART OF 1976 TO CALL A MEETING TO RENEGOTIATE THE IATTC TREATY IN FAVOR OF A NEW ONE WHICH WOULD TAKE INTO ACCOUNT THE SPECIAL INTEREST OF THE COASTAL STATE IN THE TUNA WITHIN ITS 200-MILE ZONE. ACCORDINGLY, MEXICO, AS PART OF A JOINT EFFORT WITH COSTA RICA, CONVENED A CONFERENCE OF PLENIPOTENTIARIES SEPTEMBER 19-23 OF THIS YEAR IN SAN JOSE, FOR THE PURPOSE OF CONSIDERING NEW PROVISIONS FOR THE CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN TROPICAL PACIFIC.

3. THE SAN JOSE CONFERENCE OF PLENIPOTENTIARIES - COUNTRIES ATTENDING THE MEETING INCLUDED MEXICO, COSTA RICA, CANADA, JAPAN, FRANCE, PANAMA, NICARAGUA, THE UNITED STATES (ALL MEMBERS OF THE IATTC), EL SALVADOR, GUATEMALA, AND COLOMBIA. CHILE, ECUADOR, AND PERU CHOSE NOT TO ATTEND AS PARTICIPANTS. PERU, SPAIN, AND HONDURAS SENT OBSERVERS TO THE MEETING. THE U.S. DELEGATION WAS HEADED BY JOHN NEGROPONTE, DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND FISHERIES AFFAIRS, AND INCLUDED REPRESENTATIVES FROM THE DEPARTMENT OF COMMERCE, THE COAST GUARD, CONGRESSIONAL STAFF, THE COMMERCIAL TUNA INDUSTRY, AND ENVIRONMENTAL GROUPS.

FOLLOWING OPENING SPEECHES BY THE FOREIGN MINISTERS
OF BOTH MEXICO AND COSTA RICA, A WORKING DOCUMENT
JOINTLY PREPARED BY THESE TWO COUNTRIES ENTITLED
"PRINCIPLES TO BE INCORPORATED IN A TREATY GOVERNING
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THE INTERNATIONAL CONSERVATION AND MANAGEMENT OF TUNA
IN THE EASTERN PACIFIC" WAS DISTRIBUTED.

4. THE PROPOSAL CONTAINED IN THE WORKING DOCUMENT,
PROVIDED FOR A NEW TREATY WHICH WOULD INCLUDE:
REFERENCE TO THE ONGOING LAW OF THE SEA CONFERENCE AND
PROVISIONS OF THE INFORMAL COMPOSITE NEGOTIATING TEXT;

REFERENCE TO THE EXTENSION OF JURISDICTION TO 200
MILES BY ALMOST ALL COASTAL STATES BORDERING THE
EASTERN TROPICAL PACIFIC (ETP);

ESTABLISHMENT OF A REGIONAL ORGANIZATION TO CONSERVE
AND MANAGE TUNA IN THE REGION THROUGHOUT THEIR RANGE.

MEMBERSHIP IN THE ORGANIZATION TO CONSIST OF THOSE
STATES PARTICIPATING AS PARTIES IN THE PLENIPOTENTIARY
CONFERENCE WHICH SIGN AND RATIFY THE TREATY, WITH THE
DOOR LEFT OPEN FOR OTHER STATES TO JOIN THE ORGANISA-
TION.

PROVISION FOR DECISIONS OF ORGANIZATION TO BE TAKEN
BY A MAJORITY OF TWO-THIRDS OR THREE-QUARTERS, UNLESS
OTHERWISE PROVIDED FOR IN THE TREATY;

AN "AREA OF TREATY APPLICATION" THE SAME AS THE
CURRENT COMMISSION YELLOWFIN REGULATORY AREA (CYRA)
BUT BEGINNING 12 MILES FROM THE COAST;

ORGANIZATION STRUCTURE OF AN ASSEMBLY AND A SECRETARIAT,
THE LATTER DIVIDED INTO RESEARCH AND ADMINISTRATIVE
SECTIONS;

THE PRINCIPLE OF SATURATION OF THE FISHERY - THE
ORGANIZATION EMPOWERED TO DETERMINE THAT A REGULATED
FISHERY IS BEING EXPLOITED AT OR NEAR THE LEVEL OF ITS
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OPTIMUM SUSTAINABLE YIELD AND MAY DECLARE THE FISHERY
CLOSED, IN WHICH CASE NON-MEMBER NATIONS SHALL BE

REQUESTED TO REFRAIN FROM FISHING SUCH SPECIES AND AGREED SANCTIONS SHALL BE TAKEN BY MEMBERS AGAINST ANY COUNTRY NOT HONORING THE REQUEST;

A GUARANTEED ANNUAL QUOTA OF EACH REGULATED SPECIES FOR EACH COASTAL STATE BASED ON THE CONCENTRATION OF THE RESOURCE IN ITS ECONOMIC ZONE, THE QUOTA TO BE EQUIVALENT TO THE AVERAGE ANNUAL CATCH BY ALL TUNA FLEETS WITHIN THE COASTAL STATES' ZONE OVER THE PRECEDING 5 YEARS.

THE REMAINDER OF THE TOTAL ALLOWABLE CATCH FOR EACH SPECIES PLUS THAT PORTION OF THE GUARANTEED QUOTA WHICH THE COASTAL STATE IS UNABLE TO CATCH TO BE HARVESTED BY ALL STATES ON A COMPETITIVE BASIS DURING THE OPEN SEASON;

PAYMENT OF PARTICIPANT FEES PER TON OF TUNA CAUGHT ON THE BASIS OF 5 PERCENT OF THE DOCKSIDE VALUE;

DISTRIBUTION OF THE INCOME DERIVED FROM PARTICIPANT FEES, AFTER DEDUCTION FOR ADMINISTRATIVE EXPENSES, TO

THE COASTAL STATES IN ACCORDANCE WITH THE CONCENTRATION OF THE RESOURCE IN THEIR RESPECTIVE ZONES.

ENFORCEMENT WITHIN 200 MILES BY THE COASTAL STATE WITH VERIFICATION AND COMPUTATION OF UNLOADINGS THE RESPONSIBILITY OF THE ORGANIZATION, AND WITH A UNIFORM SYSTEM OF PENALTIES.

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PROVISION FOR MEASURES TO BE ADOPTED BY THE ASSEMBLY TO RESOLVE, AS SOON AS POSSIBLE, THE TUNA-PORPOISE PROBLEM.

5. U.S. RESPONSE TO JOINT MEXICAN/COSTA RICAN PROPOSAL - THE WORKING DOCUMENT DREW ONLY SUBDUED INITIAL RESPONSES AND LIMITED COMMENTS FROM THOSE GOVERNMENTS ATTENDING THE CONFERENCE. MANY DELEGATIONS, INCLUDING THE UNITED STATES, WERE NOT IN A POSITION TO OFFER DEFINITIVE COMMENTS SINCE THE MEXICO/COSTA RICA PROPOSAL WAS ONLY MADE AVAILABLE THE DAY BEFORE THE CONFERENCE. GENERALLY, THE UNITED STATES, JAPAN, AND CANADA EACH INITIALLY EXPRESSED THE NEED FOR ALL PARTICIPANTS IN THE FISHERY TO BE INCLUDED IN THE MANAGEMENT SCHEME, PREFERENCE FOR A CAUTIOUS APPROACH TO THE PROBLEM, AND SUPPORT FOR THE INTERNATIONAL MANAGEMENT OF HIGHLY MIGRATORY SPECIES.

FOLLOWING MORE CAREFUL STUDY OF THE JOINT MEXICAN/
COSTA RICAN PROPOSAL, THE UNITED STATES PRESENTED A
MORE DETAILED RESPONSE IDENTIFYING THE FOLLOWING AREAS
OF GENERAL AGREEMENT:

(1) THE NEED FOR RATIONAL AND EFFECTIVE INTERNATIONAL
MANAGEMENT OF TUNA IN THE EASTERN TROPICAL PACIFIC,

(2) THE NEED FOR EQUITABLE DISTRIBUTION OF THE TUNA
RESOURCE,

(3) THE NEED FOR SIGNIFICANT REDUCTION IN THE
INCIDENTAL MORTALITY OF PORPOISE,

(4) THE NECESSITY OF MEANINGFUL AND EFFECTIVE
ENFORCEMENT MEASURES, AND

(5) THE DESIRABILITY OF UNIFORM AND REASONABLE FEES.

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IN THE REMAINDER OF ITS STATEMENT, THE UNITED STATES
EXPRESSED THE FOLLOWING VIEWS:

(1) THE CONFERENCE IS NOT THE FORUM IN WHICH TO DISCUSS

JURISDICTIONAL CONCEPTS GIVEN THE ONGOING LAW OF THE
SEA CONFERENCE.

(2) ANY ORGANIZATION DEALING WITH THE MANAGEMENT OF
HIGHLY MIGRATORY SPECIES MUST INCLUDE ALL OF THOSE
COASTAL STATES CONCERNED, AND UNTIL SUCH TIME AS
THOSE COUNTRIES ABSENT ARE ABLE TO PARTICIPATE, IT
MAY BE PREFERABLE TO WORK WITHIN THE EXISTING IATTC.

(3) THE DECISION MAKING PROCESS OF ANY MANAGEMENT
ORGANIZATION SHOULD BE GOVERNED BY THE PRINCIPLE OF
UNANIMITY.

(4) ALL SPECIES OF TUNA FOUND IN THE REGION MUST
BE SUBJECT TO INTERNATIONAL MANAGEMENT AND CONSERVA-
TION.

(5) THE PROBLEM OF SATURATION OF THE FISHERY CANNOT
BE ADDRESSED UNTIL THE MEMBERSHIP QUESTION IS RESOLVED.
THE PRINCIPLE OF SATURATION OF THE FISHERY ALSO HAS
PRECEDENT SETTING IMPLICATIONS FOR ACCESS TO RE-
SOURCES IN OTHER REGIONS OF THE WORLD.

(6) WITH REGARD TO THE QUESTION OF ALLOCATIONS, THE

U.S. IS SATISFIED WITH THE PRESENT SYSTEM AND ITS
CAPACITY TO ADAPT TO EMERGING CIRCUMSTANCES.

(7) THE DISTRIBUTION OF HISTORICAL CATCHES MAY NOT
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BE THE BEST MEANS OF DETERMINING THE CONCERNTRATION
OF THE RESOURCE.

(8) ENFORCEMENT OF THE ORGANIZATION'S CONSERVATION
REGULATIONS MUST INCLUDE THE VERIFICATION OF FISHING
LOCATIONS WITHIN THE ENTIRE REGULATORY AREA.

6. MEXICAN AND COSTA RICAN RESPONSES AND CONCLUSION
OF THE CONFERENCE - IN A STRONG RESPONSE, TO THE
U.S. STATEMENT THE MEXICAN DELEGATION EXPRESSED SUR-
PRISE AND CONCERN OVER THE U.S. EMPHASIS ON THE NEED
TO CONSIDER THE PRESERVATION OF THE EXISTING IATTC.
MEXICO STATED ITS STRONG BELIEF THAT THE COMMISSION
IS INCOMPATIBLE WITH THE CONCEPT OF 200-MILE ECONOMIC
ZONES AND THAT THE LAW OF THE SEA REFLECTS A GENERAL
CONSENSUS IN THE INTERNATIONAL COMMUNITY TO ACCEPT
THE EXCLUSIVE ECONOMIC ZONE AS A REALITY. MEXICO
FIRMLY DENOUNCED THE U.S. PROPOSAL TO CONSIDER
AMENDMENTS TO THE PRESENT IATTC.

COSTA RICA, EXPRESSED SIMILAR DISAPPOINTMENT AND
CONCERN OVER THE U.S. REMARKS.

IN A SMALL MEETING OF HEADS OF DELEGATIONS IT WAS
AGREED THAT A WORKING GROUP CONSISTING OF TWO PEOPLE
FROM EACH DELEGATION SHOULD BE ESTABLISHED TO REVIEW TH
THE JOINT MEXICAN/COSTA RICAN PROPOSAL IN ORDER TO
IDENTIFY AREAS OF POSSIBLE AGREEMENT AND AREAS OF DIS-
AGREEMENT BETWEEN PARTICIPANTS. THE WORKING GROUP
SUBSEQUENTLY PRODUCED A REPORT (WHICH, IT WAS SPECIFIED,
IN NO WAY PREJUDICED THE FUTURE POSITIONS OF PARTICI-
PATING GOVERNMENTS) WHICH WAS REVIEWED AND AMENDED BY
THE PLENARY. THIS AMENDED WORKING GROUP REPORT HAS YET
TO BE MADE AVAILABLE BY EITHER MEXICO OR COSTA RICA.

7. THE ANNUAL MEETING OF THE IATTC - THE ANNUAL MEETING
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OF THE IATTC WAS HELD IN MEXICO CITY OCTOBER 17-21.
AT THE BEGINNING OF THE SESSION, MEXICO AND COSTA

RICA ANNOUNCED THE INTENTIONS OF THEIR GOVERNMENTS TO WITHDRAW FROM THE IATTC. (THE U.S. IS THE DEPOSITORY GOVERNMENT AND WE RECEIVED A NOTE FROM MEXICO FORMALLY DENOUNCING THE TREATY NOVEMBER 8. WE HAVE NOT RECEIVED ANY NOTIFICATION FROM COSTA RICA.) ANY WITHDRAWAL FROM THE IATTC DOES NOT BECOME EFFECTIVE FOR ONE YEAR'S TIME. THERE IS AGREEMENT ON THE PART OF MEXICO AND COSTA RICA THAT FISHING DURING 1978 WILL TAKE PLACE UNDER THE AUSPICES OF THE PRESENT IATTC CONVENTION.

8. THE PRESENT SYSTEM - THE PRESENT IATTC REGULATORY REGIME CALLS FOR THE REGULATION OF ONLY ONE SPECIES, YELLOWFIN TUNA. THE SEASON OPENS FOR UNRESTRICTED YELLOWFIN FISHING ON JANUARY 1 AND IS CLOSED ON A DATE ANNOUNCED BY THE DIRECTOR OF INVESTIGATIONS, OF THE IATTC. ANY VESSEL WHICH (A) COMPLETES IT TRIP BEFORE THE CLOSURE OR (B) WHICH IS IN PORT AT THE CLOSURE AND COMPLETED A TRIP IN THE COMMISSION YELLOWFIN REGULATORY AREA (CYRA) DURING THE PREVIOUS YEAR MAY SAIL TO FISH FREELY FOR YELLOWFIN TUNA WITHIN THE CYRA ON ANY TRIP (THE LAST FREE TRIP) WHICH IS COMMENCED WITHIN 30 DAYS AFTER THE CLOSURE. AFTER THE LAST FREE TRIP, VESSELS NOT PROVIDED WITH A SPECIAL CLOSED SEASON ALLOWANCE ARE PERMITTED TO LAND YELLOWFIN TUNA ONLY AS INCIDENTAL CATCH IN THE LANDINGS OF OTHER SPECIES. THE AGGREGATE OF THESE INCIDENTAL YELLOWFIN CATCHES MAY NOT EXCEED 15 PERCENT OF THE COMBINED TOTAL CATCH TAKEN BY SUCH VESSELS DURING THE CLOSED SEASON. EACH COUNTRY IS GRANTED A CLOSED SEASON ALLOWANCE OF 6,000 TONS FOR ITS SMALLER VESSELS UNDER 400 TONS. FOR 1977 ONLY,

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THIS PROVISION WAS MODIFIED AS FOLLOWS:

1. IN THE CASE OF COSTA RICA, THIS 6,000 TON ALLOCATION COULD BE TAKEN BY ITS VESSELS OF UP TO 1,000 TONS CARRYING CAPACITY.
2. IN THE CASE OF NICARAGUA, UP TO 4,000 TONS OF THE 6,000 TON ALLOCATION COULD BE TAKEN BY TWO OF ITS VESSELS WITH CARRYING CAPACITIES OF UP TO 1,800 SHORT TONS EACH.
3. IN THE CASE OF PANAMA, UP TO 3,000 TONS OF THIS ALLOCATION COULD BE TAKEN BY ITS VESSELS OF MORE THAN 400 TONS CARRYING CAPACITY.

THERE IS AN ADDITIONAL CLOSED SEASON ALLOWANCE FOR CERTAIN NEWLY CONSTRUCTED VESSELS OF DEVELOPING

COUNTRIES WITH DEVELOPING TUNA FISHERIES. TO QUALIFY THE VESSELS MUST HAVE ENTERED THE FISHERY FOR THE FIRST TIME DURING THE CLOSED SEASON IN 1971 OR DURING 1972 AND HAVE EXPERIENCED SPECIAL HARDSHIPS FOR REASONS SUCH AS SIZE, GEAR, OR FISHING TECHNIQUES. IN 1977 THESE VESSELS WERE ALSO DEFINED AS HAVING HAD AN INDIVIDUAL CATCH PER CAPACITY TON FOR 1976 OF LESS THAN 75 PERCENT OF THE AVERAGE CATCH PER CAPACITY TON FOR ALL VESSELS IN THE COMPARABLE IATTC SIZE CLASSES ENGAGED IN THE CONVENTION AREA IN 1975. (THESE PROVISIONS, BY DESIGN, APPLY TO MEXICO.) IN ADDITION, IF A VESSEL OF A QUALIFIED COUNTRY EXPERIENCES SPECIAL PROBLEMS SUCH AS THOSE DESCRIBED ABOVE BUT IS NOT INCLUDED UNDER THE SPECIAL HARDSHIP PROVISIONS. IT MAY BE SUBSTITUTED BY THAT COUNTRY FOR A VESSEL SO QUALIFIED.

THESE VESSELS ARE ALLOWED TO FISH WITHOUT RESTRICTION FOR YELLOWFIN TUNA DURING THE 1977 CLOSED SEASON UNTIL THEY HAVE TAKEN IN THE AGGREGATE 13,000 TONS, PROVIDED

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THAT, IF THE AGGREGATE CATCH OF YELLOWFIN OF THE TUNA FISHING VESSELS OF ANY SUCH DEVELOPING COUNTRIES SHOULD EXCEED 6,000 TONS DURING THE OPEN SEASON, THEIR 13,000 TON CLOSED SEASON ALLOCATION SHALL BE REDUCED BY THE AMOUNT THEIR OPEN SEASON CATCH EXCEEDS 6,000 TONS.

9. THE MANAGEMENT REGIME FOR 1978 - DURING THE MEXICO CITY MEETING, MEXICO AND COSTA RICA STATED THEIR NEED FOR SIGNIFICANT INCREASES IN THE AMOUNTS OF YELLOWFIN TONNAGE RESERVED FOR THEIR FLAG VESSELS DURING THE CLOSED SEASON. IN 1976 AND 1977, MEXICAN VESSELS HAD THE OP-

PORTUNITY TO CATCH 19,000 TONS OF YELLOWFIN DURING THE CLOSED SEASON (6,000 FOR VESSELS OF 400 TONS OR LESS CARRYING CAPACITY AND 13,000 FOR CERTAIN VESSELS WHICH EXPERIENCE EXTRAORDINARY PROBLEMS OF OPERATION.) FOR 1978, MEXICO DESIRED TO INCREASE THE 13,000 TON ALLOCATION BY 12,000 TONS. ALTHOUGH MEXICO PLANS ADDITIONS TO ITS TUNA FLEET IN THE COMING MONTHS, IT APPEARS QUITE DOUBTFUL THAT THE MEXICAN CATCH WOULD APPROACH THE LEVELS REQUESTED. ESTIMATING MEXICO'S YELLOWFIN CATCH TO BE NO MORE THAN 9,000 TONS DURING THE OPEN SEASON IN 1978, AND ADDING GUARANTEED ALLOCATIONS OF 31,000 TONS (6,000 PLUS 25,000) THE TOTAL WOULD EXCEED EVEN THE MAXIMUM LEVEL OF YELLOWFIN ALLOCATIONS PROPOSED BY THE JOSEPH-GREENOUGH STUDY ENTITLED "ALTERNATIVES FOR INTERNATIONAL MANAGEMENT OF TUNA RESOURCES." (THIS IMPORTANT DOCUMENT WAS PREPARED BY

THE IATTC STAFF AT THE REQUEST OF THE COMMISSION MEMBERS, IN ANTICIPATION OF A SERIOUS CONSIDERATION OF NEW MANAGEMENT SYSTEMS FOR TUNA.) IN THE VIEW OF THE UNITED STATES, THIS LEVEL OF ALLOCATION IS NOT WAR-CONFIDENTIAL

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RANTED UNDER THE CRITERIA ESTABLISHED BY THE IATTC REGIME AND, MORE IMPORTANTLY, WOULD PREJUDICE THE NEGOTIATIONS BEGUN IN SAN JOSE IN SEPTEMBER TO DEVELOP NEW ARRANGEMENTS FOR THE MANAGEMENT OF YELLOWFIN TUNA IN THE ETP. ALSO, THE MEXICAN REQUEST APPEARS TO BE WAY BEYOND WHAT THE ACTUAL NEEDS OF THE MEXICAN TUNA FLEET WILL BE DURING 1978. THE MEXICAN PROPOSAL REMAINED UNCHANGED DESPITE STATEMENTS BY THE U.S. AND JAPAN THAT SUCH DEMANDS WERE A RADICAL AND PREJUDICIAL DEPARTURE FROM THE PAST PATTERNS OF ALLOCATIONS ESTABLISHED PURSUANT TO THE IATTC REGIME.

COSTA RICA, WHICH IN 1977 WAS AUTHORIZED TO FISH ITS 6,000 TON SMALL BOAT ALLOCATION WITH VESSELS UP TO 1,000 TONS CARRYING CAPACITY, EXPRESSED ITS DESIRE FOR A 14,000 TON SPECIAL CLOSED SEASON ALLOCATION DURING 1978 WHICH WOULD APPLY IN ADDITION TO THE 6,000 TONS. DURING THE COURSE OF THE MEETING COSTA RICA INDICATED THAT IT COULD ACCEPT A 9,000 TON CLOSED SEASON ALLOCATION.

IT IS ANTICIPATED BY COSTA RICA THAT NEW TUNA VESSELS WITH A CAPACITY OF 2,400 TONS WILL BE ADDED BY THE END OF 1978 TO THEIR FLEET. THIS ADDITIONAL TONNAGE AND THE PRESENT CARRYING CAPACITY OF THE COSTA RICAN FLEET OF 553 TONS DO NOT APPEAR TO WARRANT A SPECIAL ALLOCATION OUTSIDE THE PRESENT 6,000 TON ALLOCATION NOTED ABOVE. IN FACT, THE COSTA RICAN PROPOSAL IS MOST LIKELY LINKED TO THE POSSIBLE ;BUT NOT YET AFFIRMED)

TRANSFER OF VESSELS TO COSTA RICA FROM OTHER COUNTRIES (E.G. UNITED STATES). THE UNITED STATES HAD PROBLEMS WITH THE COSTA RICAN PROPOSAL FOR ESSENTIALLY THE SAME REASONS THAT WE COULD NOT ACCEPT THE MEXICAN PROPOSAL.

NICARAGUA PROPOSED ONLY A MINOR ADJUSTMENT IN ITS
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6,000 TON SMALL BOAT ALLOCATION, 4,000 TONS OF WHICH WERE AUTHORIZED FOR CAPTURE IN 1977 BY TWO OF ITS VES-

SELS WITH CARRYING CAPACITIES OF UP TO 1,800 SHORT TONS EACH. THE NICARAGUAN PROPOSAL SIMPLY NOTED ITS DESIRE AS A DEVELOPING COUNTRY EXPERIENCING SEVERE ECONOMIC DIFFICULTY TO HAVE THE TOTAL 6,000 TONS AUTHORIZED FOR CAPTURE BY ANY OF ITS VESSELS SINCE NICARAGUA EXPECTS TO ADD ONE ADDITIONAL VESSEL OF 1,200 TONS CARRYING CAPACITY TO ITS FLEET.

PANAMA PROPOSED NO CHANGE IN ITS AUTHORIZATION TO TAKE 3,000 TONS OF THE 6,000 TON ALLOCATION BY VESSELS IN EXCESS OF 400 TONS CARRYING CAPACITY. PANAMA EXPRESSED PUBLICLY NEITHER SUPPORT FOR OR DISPLBASURE WITH THE MEXICAN AND COSTA RICAN PROPOSALS.

BECAUSE OF OUR DIFFICULTIES WITH THE MEXICAN AND COSTA RICAN PROPOSALS REGARDING THE SPECIAL CLOSED SEASON ALLOCATIONS, AGREEMENT ON THE IATTC MANAGEMENT REGIME FOR 1978 WAS NOT POSSIBLE AT THIS MEETING, WHICH WAS RECESSED FOR AN INDEFINITE PERIOD.

OTHER ISSUES IN ADDITION TO QUESTIONS OF ALLOCATIONS WERE DISCUSSED AT THE IATTC MEETINGS, MOST IMPORTANTLY THE STATUS OF THE TUNA STOCKS IN THE AREA AND PORPOSALS TO ESTABLISH AN OVERALL CATCH LIMIT FOR YELLOWFIN TUNA. ESSENTIALLY, THE COMMISSION'S SCIENTIFIC STAFF REPORTED THAT THE YELLOWFIN TUNA STOCKS ARE IN GOOD SHAPE AND IT WAS RECOMMENDED THAT CATCHES BE PERMITTED AT ABOUT THE SAME LEVELS AS IN 1976 AND 1977 - OPENING THE SEASON WITH A QUOTA OF 175,000 TONS WITH ALLOWANCES FOR INCREMENTS UP TO 210,000 TONS IF WARRANTED BY THE CATCH DATA. THIS ISSUE OF THE OVERALL ALLOWABLE QUOTA, CONFIDENTIAL

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AS WELL AS ALL OTHER QUESTIONS, WILL NOT BE SETTLED SEPARATELY FROM THE ALLOCATION ISSUE. THUS IF NO AGREEMENT IS REACHED ON THIS LATTER QUESTION THERE WILL BE NO 1978 CONSERVATION PROGRAM IN EFFECT FOR YELLOWFIN TUNA.

10. U.S. PREPARATIONS AND GENERAL VIEWS - SUBSEQUENT TO THE MEXICO CITY MEETING OUR AMBASSADORS IN MEXICO CITY AND SAN JOSE MADE REPRESENTATIONS AT THE FOREIGN

MINISTER LEVEL TO EXPRESS U.S. CONCERNS REGARDING THE MEXICAN AND COSTA RICAN PROPOSALS AND TO REQUEST THAT THEIR PROPOSALS BE RECONSIDERED. IT WAS AGREED IN MEXICO CITY THAT THE UNITED STATES WOULD ASSUME RESPONSIBILITY FOR ARRANGING ANOTHER MEETING OF THE COMMISSION TO ATTEMPT TO ESTABLISH A 1978 CONSERVATION AND MANAGEMENT PROGRAM. WE ARE DISCUSSING WITHIN

THE USG THE TIMING OF SUCH A MEETING AND ARE PRESENTLY INCLINED TO PROPOSE A MID OR LATE JANUARY DATE. EVEN THOUGH THE YELLOWFIN SEASON BEGINS JANUARY 1, NO REGULATION OF FISHING WOULD BE REQUIRED UNTIL AROUND MARCH AND THUS A JANUARY MEETING DATE WOULD POSE NO CONSERVATION PROBLEMS. WE BELIEVE IT IS IMPORTANT THAT AGREEMENT BE REACHED ON A COMMISSION PROGRAM FOR 1978 AND WE ARE PREPARED TO MAKE SOME COMPROMISES TOWARDS THAT END, BUT WE WOULD BE IN UNTENABLE POSITION IF MEXICO AND COSTA RICA DO NOT LOWER THEIR REQUESTS TO MORE REALISTIC AND NEGOTIABLE LEVELS.

WITH RESPECT TO LONGER TERM, WE ARE PREPARED TO NEGOTIATE SERIOUSLY TOWARDS A NEW TUNA TREATY AND TO ADDRESS IN A SPECIFIC MANNER THE MANY ISSUES RAISED BY THE MEXICO/COSTA RICA PROPOSAL PRESENTED IN SAN JOSE. MANY OF THE ISSUES WE MUST ADDRESS, SUCH AS VOTING, MEMBERSHIP, PORPOISE CONSERVATION, ETC., CAN PROBABLY BE HANDLED WITHOUT A GREAT DEAL OF DIFFICULTY.

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THE QUESTION OF TUNA ALLOCATIONS, HOWEVER, WHICH GOES TO THE HEART OF THE TUNA ISSUE AND IS THE MOST IMPORTANT QUESTION INVOLVED, PRESENTS A DIFFICULT AND COMPLEX PROBLEM. WE ARE PRESENTLY PREPARING WITHIN THE USG A U.S. PROPOSAL WHICH ADDRESSES ALL OF THESE ISSUES AND WHICH WOULD ESSENTIALLY BE THE OUTLINE OF A NEW TUNA TREATY. WE PLAN TO HAVE THIS PROPOSAL AGREED WITHIN THE USG BY EARLY JANUARY, AND TO HOLD A MEETING WITH THE U.S. INDUSTRY AND OTHER INTERESTS IN MID OR LATE JANUARY TO ATTEMPT TO FORGE AN AGREED U.S. POSITION. WE PLAN TO BE PREPARED FOR A SECOND ROUND OF THE CONFERENCE OF PLENIPOTENTIARIES BY LATE FEBRUARY. IT HAS BEEN LEFT TO COSTA RICA AND MEXICO TO CONVENE THIS NEXT SESSION, AND IT HAS BEEN OUR UNDERSTANDING THAT THEY WANT TO DO SO BEFORE THE BEGINNING OF THE LAW OF THE SEA NEGOTIATIONS IN LATE MARCH.

WHILE WE ARE PREPARED TO NEGOTIATE SERIOUSLY, THE IMPORTANCE OF THE TUNA ISSUE IS SUCH THAT WE MUST PROCEED CAREFULLY AND SYSTEMATICALLY. THE UNITED STATES HAS A SUBSTANTIAL STAKE IN THE FUTURE

OF THE TUNA FISHERY IN THE EASTERN PACIFIC FOR ECONOMIC, POLITICAL, AND ENVIRONMENTAL REASONS, AS NOTED EARLIER. THE UNITED STATES INTERESTS AND OBJECTIVES WHICH ARE INVOLVED IN THE NEGOTIATION OF A NEW TUNA TREATY CAN BE SUMMARIZED AS FOLLOWS: (1) THE PROPER CONSERVATION AND PROTECTION OF IMPORTANT TUNA AND PORPOISE RESOURCES,

(2) THE PRESERVATION OF THE OPPORTUNITY FOR U.S. TUNA FISHERMEN TO FISH PROFITABLY BOTH INSIDE AND OUTSIDE 200 MILES, (3) A SOLUTION TO THE JURIDICAL AND POLITICAL PROBLEM REGARDING COSTAL STATE JURISDICTION OVER TUNA
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INSIDE 200 MILES, AND (4) MAINTENANCE OF THE U.S. VIEW THAT IN ORDER TO ACHIEVE SATISFACTORY CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY SPECIES, THERE MUST BE EFFECTIVE INTERNATIONAL ACTION ON A REGIONAL LEVEL.

MOST, IF NOT ALL, OF THE SOME TWENTY COUNTRIES INVOLVED IN THE TUNA QUESTION IN THE EASTERN PACIFIC AGREE WITH US THAT AN INTERNATIONAL ORGANIZATION IS REQUIRED FOR EFFECTIVE TUNA CONSERVATION. WHAT IS UNCLEAR ARE THE NATURE AND DETAILS OF AN ORGANIZATION WHICH MIGHT BE WIDELY ACCEPTABLE AND WHICH WOULD ADVANCE THE U.S. INTERESTS AS OUTLINED ABOVE. WE BELIEVE IT IS POSSIBLE TO CREATE SUCH AN ORGANIZATION, BUT DO NOT BELIEVE THIS WILL BE EASILY ACHIEVED. COMPROMISE ON ALL SIDES WILL BE NECESSARY AND WE ANTICIPATE DIFFICULT NEGOTIATIONS WHICH MAY WELL TAKE SEVERAL SESSIONS TO CONCLUDE.

11. WHERE WE GO FROM HERE - WE ARE CONCERNED THAT THE QUESTION OF CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN PACIFIC COULD BECOME ESSENTIALLY A BILATERAL, OR TRI-LATERAL ISSUE, INVOLVING ONLY MEXICO, COSTA RICA, AND THE U.S. WE BELIEVE IT IS IMPORTANT THAT OTHER NATIONS WITH A STAKE IN THESE RESOURCES AND IN THE POLITICAL AND OTHER ISSUES INVOLVED BECOME INVOLVED IN DISCUSSIONS LEADING TOWARDS A NEW HIGHLY MIGRATORY SPECIES TREATY.

12. FOR CARACAS, MADRID, HAMILTON, LONDON, CURACAO, DAKAR, ACCRA, WELLINGTON - HOST GOVERNMENTS WERE NOT INVITED TO SAN JOSE MEETING OF PLENIPOTENTIARIES BUT HAVE FLAG VESSELS FISHING TUNA IN EASTERN PACIFIC AREA. POSTS ARE REQUESTED TO APPROACH APPROPRIATE HOST GOVERNMENT OFFICIALS TO ASCERTAIN IF THEY ARE AWARE OF MEXICAN AND COSTA RICAN INITIATIVE AND OF POTENTIAL IMPACT EFFORT TO NEGOTIATE NEW TUNA
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TREATY MAY HAVE ON THEIR FLAG VESSELS. WE WOULD APPRECIATE THEIR VIEWS ON GENERAL QUESTION OF HOW THE

CONSERVATION AND MANAGEMENT OF TUNA IN THE EASTERN PACIFIC SHOULD BE HANDLED IN LIGHT OF RECENT DEVELOPMENTS. WE WOULD LIKE TO KNOW IF HOST GOVERNMENTS HAVE BEEN IN CONTACT WITH MEXICO OR COSTA RICA CONCERNING THEIR INITIATIVE. EMBASSIES SHOULD SUGGEST THAT, IF HOST GOVERNMENTS HAVE AN INTEREST IN TUNA NEGOTIATIONS, THEY RAISE ISSUE WITH MEXICO AND COSTA RICA AND EXPRESS DESIRE TO PARTICIPATE IN NEGOTIATIONS.

13. FOR PANAMA, MANAGUA, PARIS, OTTAWA, TOKYO, GUATEMALA, TEGUCIGALPA, SAN SALVADOR, BOGOTA - HOST GOVERNMENTS WERE REPRESENTED AT SAN JOSE CONFERENCE AND ARE AWARE OF MEXICAN AND COSTA RICAN PROPOSAL. EMBASSIES ARE REQUESTED TO APPROACH APPROPRIATE HOST GOVERNMENT OFFICIALS TO ASCERTAIN THEIR VIEWS ON SUBSTANCE OF PROPOSAL AND ON WHERE WE SEEM TO BE HEADED WITH RESPECT TO ENTIRE QUESTION. REGARDING THE SUBSTANCE OF ANY NEW ARRANGEMENTS, WE ARE ESPECIALLY INTERESTED IN THEIR VIEWS ON ALLOCATION QUESTION, ON ENFORCEMENT ISSUE, AND ON VOTING AND MEMBERSHIP PROVISIONS OF ANY NEW TREATY. THESE ISSUES ARE OF PARTICULAR IMPORTANCE TO THE U.S. GENERALLY, WE BELIEVE THAT ALLOCATION OF TUNA RESOURCE SHOULD TAKE INTO ACCOUNT THE LEGITIMATE INTERESTS OF BOTH COASTAL AND NON-COASTAL STATES AND THE HIGHLY MIGRATORY NATURE OF THE TUNA. REGARDING ENFORCEMENT, WE BELIEVE IT IS OF CRITICAL IMPORTANCE THAT NEW SYSTEM PROVIDE FOR EFFECTIVE ENFORCEMENT OF AGREED CONSERVATION AND MANAGEMENT MEASURES BOTH WITHIN AND BEYOND

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200 MILES, AND THAT INTERNATIONAL ORGANIZATION SHOULD BE EMPOWERED TO UNDERTAKE ACTIVITIES TO ENSURE EFFECTIVE ENFORCEMENT. CONCERNING VOTING, WE BELIEVE RULE SHOULD BE UNANIMITY OR AT THE LEAST THAT PROVISION SHOULD BE MADE FOR OBJECTION BY ANY NATION TO HAVING MEASURES APPLY TO ITS FISHERMEN. WITH RESPECT TO MEMBERSHIP, WE BELIEVE ALL COASTAL STATES AND STATES WITH VESSELS FISHING IN THE REGION SHOULD BELONG TO ANY NEW ORGANIZATION.

EMBASSIES SHOULD STRESS THAT AT NEXT ROUND OF NEGOTIATIONS U.S. BELIEVES ALL PARTICIPANTS SHOULD BE PREPARED TO DISCUSS SUBSTANCE OF ISSUES INVOLVED IN NEW TREATY ARRANGEMENT. EMBASSIES SHOULD DISCUSS TIMING OF NEXT CONFERENCE OF PLENIPOTENTIARIES EMPHASIZING IMPORTANCE OF ADEQUATE PREPARATIONS AND INQUIRING WHETHER HOST GOVERNMENTS BELIEVE IT WILL BE POSSIBLE

OR ADVISABLE TO HAVE NEXT SESSION CONVENED BEFORE

BEGINNING OF LOS CONFERENCE. EMBASSIES SHOULD SUGGEST THAT HOST GOVERNMENTS APPROACH MEXICO AND COSTA RICA REGARDING THEIR VIEWS ON SUBSTANCE OF MATTER AS WELL AS ON PROCEDURES AND TIMING OF NEXT ROUND OF NEGOTIATIONS.

14. FOR QUITO, LIMA, SANTIAGO - IN ADDITION TO ASCERTAINING VIEWS OF HOST GOVERNMENTS ON SUBSTANCE OF THE MEXICAN/COSTA RICAN PROPOSAL, EMBASSIES SHOULD ONCE AGAIN STRESS THE IMPORTANCE WHICH WE ATTACH TO THEIR PARTICIPATION IN THE EFFORT TO NEGOTIATE A NEW TUNA TREATY AND URGE THAT THEY AGREE TO TAKE PART IN NEXT SESSION OF CONFERENCE OF PLENIPOTIARIES. WE UNDERSTAND THAT MEXICO AND COSTA RICA, AS WELL AS ALL OTHER PARTICIPANTS, ARE WILLING TO HAVE ECUADOR, PERU AND CHILE PARTICIPATE IN NEGOTIATIONS. IN THIS CONNECTION, EMBASSIES LIMA AND QUITO SHOULD INQUIRE IF

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MEXICO OR COSTA RICA HAS BEEN IN CONTACT WITH HOST GOVERNMENTS REGARDING THEIR PARTICIPATION IN NEGOTIATIONS. POSTS SHOULD ENCOURAGE HOST GOVERNMENTS TO DISCUSS ISSUE WITH MEXICO AND COSTA RICA AND TO EXPRESS THEIR VIEWS ON EFFORT TO NEGOTIATE NEW TUNA TREATY. WITH RESPECT TO TIMING OF NEXT ROUND OF DISCUSSIONS, EMBASSIES SHOULD EXPLORE HOST GOVERNMENTS THINKING ON ADVISABILITY OF CONVENING CONFERENCE PRIOR TO LOS CONFERENCE. IF, AS IS OUR IMPRESSION, HOST GOVERNMENTS DO NOT BELIEVE IT IS POSSIBLE FOR ALL OF PRINCIPAL NATIONS INVOLVED TO BE ADEQUATELY PREPARED FOR NEXT ROUND PRIOR TO LOS, WE BELIEVE THEY SHOULD MAKE MEXICO AND COSTA RICA AWARE OF THESE CONCERNS. DEPT. PREPARED TO SEND SMALL TEAM TO QUITO AND LIMA FOR DISCUSSIONS ON TUNA QUESTION IN LATTER PART OF JANUARY IF THIS WOULD FURTHER DECISION TOWARDS PARTICIPATION.

15. FOR MEXICO AND SAN JOSE - POSTS SHOULD SEEK RESPONSE FROM HOST GOVERNMENTS TO DEMARCHES MADE EARLIER REGARDING ALLOCATION REQUESTS FOR 1978 FISHING SEASON. WITH RESPECT TO NEGOTIATION OF NEW TUNA TREATY, POSTS SHOULD MAKE FOLLOWING POINTS; (A) WE ARE WILLING TO NEGOTIATE SERIOUSLY TOWARDS A NEW TREATY AND ARE UNDERTAKING SYSTEMATIC PREPARATIONS FOR THE NEXT CONFERENCE OF PLENIPOTENTIARIES. WE WOULD BE WILLING TO MEET IN LATE FEBRUARY IF COSTA RICA AND MEXICO BELIEVE THIS IS GOOD TIME FOR CONFERENCE AND OTHER INTERESTED PARTIES ARE ALSO AGREEABLE.. (B) WE BELIEVE IT IS ESSENTIAL, HOWEVER, THAT ADEQUATE

PREPARATIONS AND CONSULTATIONS TAKE PLACE BEFORE NEXT
NEGOTIATING SESSION IS CONVENED. IN THIS CONNECTION,

WE BELIEVE IT IS IMPORTANT FOR OTHERS TO TAKE MORE
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ACTIVE ROLE AND WOULD APPRECIATE KNOWING IF HOST
GOVERNMENTS HAVE HEARD FROM OTHERS INVOLVED RE SUB-
STANCE OF THEIR PROPOSAL MADE IN SAN JOSE OR IF
THEY HAVE SOUGHT VIEWS OF OTHERS ON ISSUE. (C) WE
BELIEVE IT IS PARTICULARLY IMPORTANT THAT ECUADOR
AND PERU PARTICIPATE IN NEGOTIATIONS, AND WE WOULD
APPRECIATE KNOWING IF THESE GOVERNMENTS HAVE BEEN
APPROACHED REGARDING THEIR PARTICIPATION IN CONFERENCE.
WE DO NOT BELIEVE DATE FOR NEXT ROUND OF TALKS SHOULD
BE SET UNTIL ECUADOR AND PERU HAVE BEEN CONSULTED.
IF ECUADOR AND PERU ARE WILLING TO MEET BUT INSIST ON
POST - LOS CONFERENCE MEETING DATE, THEN MEXICANS AND
COSTA RICANS SHOULD BE URGED TO GIVE SERIOUS THOUGHT
TO LATER MEETING DATE.

16. FOR LIMA - THIS CABLE SHOULD SERVE AS RESPONSE
TO LIMA 9854 REGARDING TIMING OF NEXT CONFERENCE OF
PLENIPOTENTIARIES. ESSENTIALLY OUR VIEW IS THAT WE
WILL BE PREPARED TO PARTICIPATE IN CONFERENCE PRIOR
TO NEXT LOS SESSION BUT ARE NOT CERTAIN THIS WOULD
BE ADVISABLE IF OTHERS INVOLVED ARE NOT PREPARED TO
NEGOTIATE SERIOUSLY WITHIN THIS TIME FRAME. IN
THIS REGARD, VIEWS OF OTHERS REGARDING TIMING
IS ESPECIALLY IMPORTANT. CHRISTOPHER UNQTE CHRISTOPHER

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